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Malleable Law: The (Mis)Use of Legal Tools in the Pursuit of a Political Agenda

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MALLEABLE LAW: THE (MIS)USE OF LEGAL TOOLS IN THE PURSUIT OF A POLITICAL AGENDA

*Manuel A. Gómez**

This paper explores the manipulative use of the law for political gain. It describes instances in which law is distorted and camouflaged under an apparent goal of pursuing justice, social change, or development, but its real function is to facilitate the attainment of self-interested political gains or other ends. The malleability of law is illustrated in this article with a description of the social programs known as “Misiones Bolivarianas” implemented in Venezuela since 2004. The Misiones were ostensibly portrayed as effective government measures launched to reduce poverty and fight inequality in areas where traditional state institutions had failed. As part of the implementation strategy of its policies geared towards fighting poverty and inequality, the Venezuelan government deployed certain legal tools, namely the enactment of special legislation and the transformation of legal institutions. However, instead of promoting transparency and enhancing accountability, these tools have been used to insulate the Misiones from any form of external oversight, thus leaving them at the mercy of political manipulation and other perverse goals. By looking at the legal tools enacted to assist in the implementation of Venezuela’s social policies, this article contributes to the discussion about the instrumentality of law and the impact of the social, political, economic, cultural, and historical factors.

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I. INTRODUCTION

The idea of law as an instrument is not new. For more than a century, law has been marshaled as a means to a particular end rather than a value in and of itself.¹ The goals pursued by law have generally been associated with the attainment of laudable purposes² such as justice,³ social change,⁴ and economic development.⁵ There are diverse ways in which law can be relied upon to help fulfill these objectives; in general terms, legal tools are thought to oscillate between two extremes. On one end, law appears as a mechanism that limits government action, thus enabling private initiative and freedom. That is, law is regarded as a facilitating tool. On the other end, law may be seen as a far-reaching instrument whose main function is

1. Brian Z. Tamanaha, *How an Instrumental View of Law Corrodes the Rule of Law*, 56 DEPAUL L. REV. 469, 469 (2006–2007).

2. See generally *id.*

3. See Roscoe Pound, *The Administration of Justice in the Modern City*, 26 HARV. L. REV. 302, 304–05 (1912–1913).

4. See generally Harry V. Ball, George Eaton Simpson & Kiyoshi Ikeda, *Law and Social Change: Sumner Reconsidered*, 67 AM. J. OF SOCIOLOGY 532 (1962); William Evan, *Law as an Instrument of Social Change*, in APPLIED SOCIOLOGY 285 (A. Gouldner & S. Miller eds. 1965); LAWRENCE M. FRIEDMAN, *THE LEGAL SYSTEM: A SOCIAL SCIENCE PERSPECTIVE* 269 (Russell Sage Foundation, 1975).

5. See Omar E. Garcia-Bolivar, *The Law as a Poverty Fighting Instrument: Reflections on Law, Development and Empowerment of the Poor* 3 (Aug. 2008) (unpublished manuscript), available at http://works.bepress.com/omar_garcia_bolivar/4 (last visited Feb. 9, 2013) (on file with author).

to expand the state's action to every facet of social life through regulation, thus minimizing private initiative. There are many gradations between these two ends because the law's role is predicated on a host of social, political, economic, cultural, and historical factors, among other reasons.

Regardless of the specific place that law may take alongside the pendulum, an instrumental view of law is generally an altruistic goal. There are abundant examples of "good" laws that epitomize positive and socially desirable goals. The expectation here is that, in addition to regulating and institutionalizing government action and private behavior, law enhances transparency and promotes accountability. Such a task obviously requires a set of fully functioning institutions and actors with well-defined roles as well as a certain degree of independence from one another and from external pressure. Thus, an effective system of checks and balances is able to exist.

On the other hand, political actors may also deploy law as a weapon aimed at self-interested or even socially undesirable objectives. In the most extreme manifestation of this latter approach, law would simply be an empty vessel at the mercy of egotistical and even socially negative goals. The anti-Semitic or exclusionary laws enacted in Nazi Germany during the 1930s are examples of such "bad" laws. These laws, although formally enacted through a regular process, were nonetheless bad in the sense that they did not fulfill the common good, but rather the selfish interests of the governing elite or ruler.

While these cases are drawn from reality, they only depict a partial view of law as an instrument that focuses on two extremes. A Manichean⁶ way of looking at the instrumentality of law only portrays a fraction of the entire landscape because it looks at the law either as a tool geared towards the realization of praiseworthy goals, or, conversely, as a politically manipulated weapon deployed to achieve selfish or socially undesirable objectives. In order to obtain a more complete picture, we need to look at cases in which the manipulation of law occurs in a more subtle way.

I am referring to instances in which the law is distorted and camouflaged under an apparent goal of pursuing justice, social change or development. However, its real function is to facilitate the attainment of self-interested political gain or other ends. One could call this the "law as Trojan Horse" paradigm, as such an image conveys the idea of something that appears legitimate and benign on the surface but its contents are quite the opposite. In such context, law may be portrayed as significant and legal

6. Manichean: based on the belief that there are two opposites in everything, for example good and evil or light and dark. OXFORDLEARNERSDICTIONARY.COM, <http://oald8.oxfordlearnersdictionaries.com/dictionary/manichaeen> (last visited Feb. 25, 2013).

institutions formally endorsed, but only as long as they can be bent and manipulated for certain purposes.⁷ Thus, under this approach, the law becomes a malleable instrument.

This article seeks to describe the malleability of law through a case study of two of the social policies known as the Misiones Bolivarian, which were launched by the Venezuelan government during the last decade.⁸ As part of the implementation strategy of its policies geared towards fighting poverty and inequality, a socially desirable objective the Venezuelan government deployed certain legal tools, namely the enactment of special legislation and the transformation of legal institutions. However, instead of promoting transparency and enhancing accountability, these tools have been used to insulate the Misiones from any form of external oversight, leaving them at the mercy of political manipulation and other perverse goals.⁹

Two of these social policies are Misión Barrio Adentro¹⁰ (Inside the Shanty Town) a holistic community based health program launched to target the underserved, and Misión Madres del Barrio¹¹ (Mothers of the Shanty Towns) an unconditional cash transfer program geared to assist women in extreme poverty. Based on the study of these Misiones, I argue that the development of legal tools connected to these social policies was not necessarily intended to remove the obstacles that slow down the government's war against poverty, help eradicate social inequality, or advance the country's developmental agenda.

In the case of the Misiones, the law has been used as a malleable tool, an instrument subordinated to the will of the administration for political purposes.¹² In this context, the Misiones have become effective vote-purchasing strategies and vehicles to strengthen the government's popular support, coming at the expense of exclusion of important sectors of the

7. See Rogelio Pérez Perdomo, *Los Juristas Académicos en la Independencia de Venezuela* [*Academic Lawyers in the Independence of Venezuela*], 23 REVISTA MEXICANA DE HISTORIA DEL DERECHO, at 35, 46 (2011) available at <http://www.revistas.unam.mx/index.php/rmhd/article/view/25899> (last visited Feb. 18, 2013).

8. *Infra*, note 94.

9. See Kerry Rittich, *The Future of Law and Development: Second Generation Reforms and the Incorporation of the Social*, 26 MICH. J. INT'L L. 199, 224 (2005).

10. Michael Penfold-Becerra, *Clientelism and Social Funds: Evidence from Chávez's Misiones*, 49 LATIN AMERICAN POLITICS AND SOCIETY 63, 64 (2007) [hereinafter *Clientelism and Social Funds*].

11. See generally Misión Madres del Barrio [*Mission Mothers of the Shanty Towns*] http://ceims.mppre.gob.ve/index.php?option=com_content&view=article&id=44:mision-madres-del-barrio (last visited Feb. 18, 2013) [hereinafter *Mothers of the Shanty Towns*].

12. See *Clientelism and Social Funds*, *supra* note 10, at 63.

population.¹³ On the other hand, the deployment of legal tools, although extensively intended to create favorable conditions for the effectiveness of these social policies, has had little to no effect on the eradication of poverty and the attainment of the country's stated developmental goals.

The Misiones have attracted the attention of scholars from different disciplines because of their radical departure from the social policies designed and implemented by most contemporary governments and certainly those from Venezuela.¹⁴ The existing literature on the Misiones has focused on important aspects such as their utilization as vote purchasing strategies,¹⁵ their impact on the management of the oil industry by the state,¹⁶ their encouragement of active citizen participation,¹⁷ and their inability to contribute to the reduction of poverty and social inequality.¹⁸ However, none of the previous research has paid attention to the reliance on legal tools in the implementation of the government's social policies and

13. See *id.* at 65.

14. See ROSA VIRGINIA NÚÑEZ NAVA, LA PARTICIPACIÓN CIUDADANA. CAMBIO PARADISMÁTICO DE LA CONSTITUCIÓN VENEZOLANA [CITIZEN PARTICIPATION. PARADIGM SHIFT OF THE VENEZUELAN CONSTITUTION], (2007), in 39 CUESTIONES POLÍTICAS 75, 82 (2007) available at http://www2.scielo.org.ve/scielo.php?script=sci_pdf&pid=S0798-14062007000200004&lng=es&nrm=iso&tlng=es (last visited Feb. 18, 2013).

15. See *Venezuela's Domestic Politics and Foreign Policy: Current Trends, Hearing on Venezuela: Looking Ahead, Testimony Before the House Comm. on Foreign Affairs, Subcomm. On the W. 2* (July 17, 2008) (statement by Professor Javier Corrales, Ph.D., Associate Professor of Political Science, Amherst College), available at <http://www.democrats.foreignaffairs.house.gov/110/cor071708.pdf> (last visited Feb. 23, 2013) [hereinafter Corrales Testimony]; Jamie Ferrell, 'Misiones': Social Programs of the Bolivarian Revolutionary Government of Venezuela as a Development Model for Alleviating Poverty, Student Capstone Papers, Washington and Lee University, at 9 (2008) available at http://www.wlu.edu/documents/shepherd/academics/cap_08_ferrell.pdf (last visited Feb. 9, 2013); see *Clientelism and Social Funds*, *supra* note 10, at 65; see also Daniel Ortega & Michael Penfold-Becerra, *Does Clientelism Work?: Electoral Returns of Excludable and Non-Excludable Goods in Chávez's Misiones Programs in Venezuela*, AM. POLITICAL SCI. ASS'N, at 15, (Aug. 2008) available at usccis.org/tools/software/original/public/fileforward.php?Id=3739 (last visited Feb. 18, 2013) [hereinafter *Does Clientelism Work?*]; see also Kirk Hawkins & Guillermo Rosas, *Social Spending in Chávez's Venezuela I* (Jan. 5, 2006) (unpublished manuscript) (on file with author) available at http://citation.allacademic.com/meta/p_mla_apa_research_citation/0/6/8/3/0/pages68304/p68304-1.php (last visited Feb. 18, 2013).

16. See generally MARIANNA PÁRRAGA & ALONSO MOLEIRO, ORO ROJO: DESENTAÑANDO EL MISTERIO DE LA PDVSA REVOLUCIONARIA [*Red Gold: Unraveling the Mystery of the Revolutionary PDVSA*] (Ediciones Puntocero, 1st ed., 2010) (Venez.).

17. See Nava, *supra* note 14, at 93.

18. See LUIS PEDRO ESPAÑA, DETRÁS DE LA POBREZA: DIEZ AÑOS DESPUÉS [Behind Poverty: Ten Years Later] 98 (Universidad Católica Andrés Bello, 2010) [UCAB] (Venez.) [hereinafter *Behind Poverty*].

the specific role that these tools play. Another goal of this article is to contribute to the filling of that vacuum.

In Section II, I provide an overview of the context surrounding the implementation of social policies in Venezuela since 1999, from the initial programs enacted by the Chávez administration to the Misiones currently in place. In Section III, I delve into a description of the Misión Barrio Adentro and Misión Madres del Barrio by explaining how these Misiones work. In Section IV, I discuss the implementation strategies used in the selected Misiones, with emphasis on the use of legal tools. In Section V, I conclude by addressing the question of whether the reliance on certain legal tools has helped Misión Barrio Adentro and Misión Madres del Barrio to accomplish their goal of alleviating poverty and reducing inequality.

II. SOCIAL POWER DURING THE BOLIVARIAN REVOLUTION AND THE MISIONES

The year 1998 marked a turning point in the political, social, and economic landscape of Venezuela. Lieutenant colonel Hugo Chávez, an outsider to the political establishment, was elected President, putting an end to an era of traditional party politics.¹⁹ Chávez's military background and his pledge against corruption, neo-liberalism, and political establishment resonated with many Venezuelans. Despite a record high abstention, he obtained the majority vote in the presidential elections by a broad margin.²⁰

During his electoral campaign, Chávez vowed to embark on an ambitious plan to transform the government in order to address the most critical social problems, namely the rampant levels of poverty and unemployment.²¹ As a way to symbolize the new government's desire to break with the traditional political elites and their market oriented macroeconomic plans, the new administration dubbed this new era the Fifth Republic (*La Quinta República*) and later on the Bolivarian Revolution.²² This was an evocation to Simón Bolívar, the eighteenth century military

19. See Manuel A. Gómez, *Political Activism and the Practice of Law in Venezuela*, in *CULTURES OF LEGALITY: JUDICIALIZATION AND POLITICAL ACTIVISM IN LATIN AMERICA* 192 (J. Couso, A. Huneeus & R. Sieder, eds. Cambridge University Press 2010).

20. See *id.*

21. See Neritza Alvarado Chacín, *Populismo, Democracia y Política Social en Venezuela* [*Populism, Democracy and Social Policy in Venezuela*], 15 *REVISTA VENEZOLANA DE SOCIOLOGIA Y ANTROPOLOGIA* [R.V.S.A.] 305, 313–14 (2005) (Venez.).

22. See generally LA PROPUESTA DE HUGO CHÁVEZ PARA TRANSFORMAR A VENEZUELA, UNA REVOLUCIÓN DEMOCRÁTICA [*Hugo Chávez's Proposal to Transform Venezuela, A Democratic Revolution*] (Apr. 11, 1998) (Venez.), available at <http://www.analitica.com/bitlioteca/hchavez/programa.asp> (last visited Feb. 23, 2013).

leader who led the independent movements of Venezuela, Colombia, Bolivia, Peru, Ecuador, and Panama.²³

In order to promote the conditions for transforming the state, the new government vowed to reverse most of the market-oriented policies. His predecessors advanced these policies during the previous decade based on the recommendations of leading multilateral organizations such as the World Bank (WB) and the International Monetary Fund (IMF).²⁴

The different administrations that ruled the country since the late 1980s emphasized a series of measures designed to foster trade liberalization, deregulation, and to protect private property.²⁵ These policies also encouraged the privatization of a large number of state enterprises as a way to increase the involvement of the private sector in the economy and reduce government participation.²⁶ During this time, most social policies were left out of the equation. Social programs were never a priority due to the belief that once economic growth and efficiency were achieved, the benefits would trickle down to the population.²⁷

By the mid 1990s, the percentage of Venezuelans living below the poverty line peaked at 77% and those in extreme poverty at 45%,²⁸ as shown in Chart 1 below.

23. See Gómez, *supra* note 19, at 192; JAVIER CORRALES & MICHAEL PENFOLD-BECERRA, *DRAGON IN THE TROPICS: HUGO CHÁVEZ AND THE POLITICAL ECONOMY OF REVOLUTION IN VENEZUELA 2* (Brookings Institution Press 2011) [hereinafter *Dragon in the Tropics*].

24. See *id.* at 5. Extreme neoliberalism, however, never gained traction in Venezuela as the most market-oriented formulas always contained a protectionist or interventionist component typical of other models.

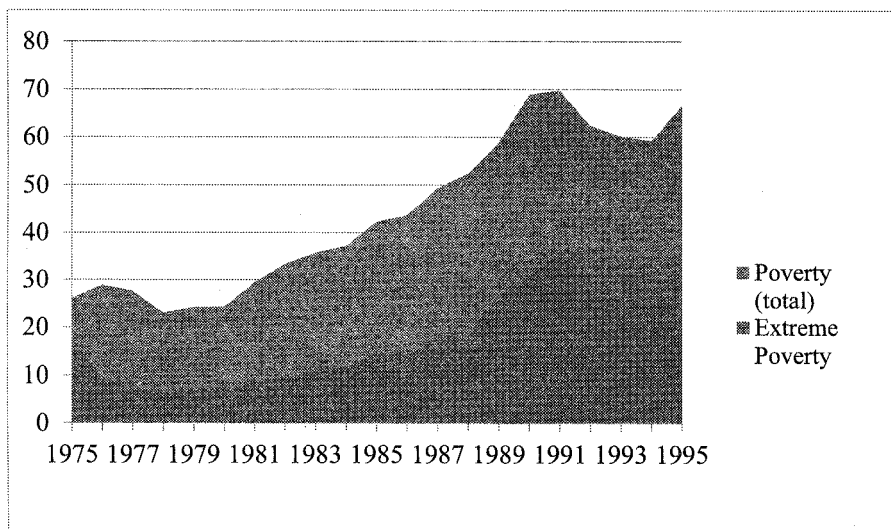
25. See generally MONGOBAY, http://www.mongabay.com/reference/country_studies/venezuela/ECONOMY.html (last visited Feb. 11, 2013).

26. Thais Gutiérrez Briceño, *Actores e Ideas de Política Social en Venezuela* [Actors and Ideas of Social Policy in Venezuela] 4 REVISTA CIENTIFICA CIENCIAS HUMANAS [R.C.C.H.] 6, 9 (2008) (Venez.).

27. *Id.* at 10.

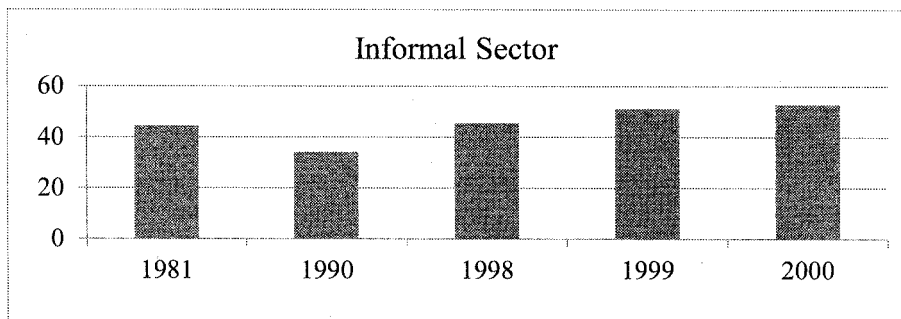
28. See Thais Maingon, *Política Social en Venezuela: 1999–2003* [Social Policy in Venezuela], 21 CUADERNOS DEL CENDES (C.C.) 47, 68 (2004) (Venez.).

Chart 1—Level of poverty (%) in Venezuela between 1975 and 1995²⁹



Unemployment had risen to 11.4% by 1997. The percentage of people working in the informal sector increased to 45%, the highest in the last twenty years. This trend is demonstrated in Chart 2, which compares the percentage of Venezuelans employed in the informal sector between 1980 and 2000.

Chart 2—Informal sector in Venezuela, 1980–2000³⁰



The newly minted Chávez administration made clear its intention to depart from the policy orientations followed by his predecessors and made

29. See *id.*; see generally, Matias Riutort, *Inflación, Desempleo y Pobreza en Venezuela* [*Inflation, Unemployment and Poverty in Venezuela*], INSTITUTO DE INVESTIGACIONES ECON. Y SOC. UNIV. CATÓLICA ANDRÉS BELLO [INSTITUTE OF ECON. AND SOC. INVESTIGATIONS OF THE CATHOLIC UNIV. ANDRÉS BELLO], Mar. 2001.

30. See Maingon, *supra* note 28, at 69.

the social agenda a key component of the government's plan.³¹ The administration proposed a set of guidelines geared towards the improvement of the living standards of all Venezuelans.³² These new policies were to be implemented by existing government agencies.³³ The basic plan was to strengthen the government's bureaucracy so it could regain control of the social agenda and encourage the citizenry to actively participate.

Despite the administration's stated intention to implement a radical change, its initial attitude was "fiscally conservative and even friendly toward foreign investment."³⁴ Moreover, the first group of social policies was basically a continuation of the Agenda Venezuela launched in 1996 under President Rafael Caldera's administration.³⁵ These social policies were conceived as provisional tools intended to give short-term and limited relief exclusively to those adversely impacted by economic reforms and not necessarily to benefit the general public.³⁶ These policies were comprised of fourteen different programs that offered limited assistance to women, children, and the elderly in the areas of nutrition, health services, and education.³⁷

Most assistance came in the form of subsidized goods or services such as school meals, medicines, school uniforms, and public transportation.³⁸ Services were offered to program beneficiaries at a reduced cost or no cost at all.³⁹ Depending on their areas of specialization, different ministries were given the task to manage and oversee these programs.⁴⁰ Nine of the fourteen social programs initially launched as part of the Agenda Venezuela

31. See Leonardo V. Vera, *Políticas Sociales y Productivas en un Estado Patrimonialista Petrolero* [Social and Productive Policies in a State of Patrimonial State Oil] No. 215 Nueva Sociedad Venezuela 1999–2007 [NS] 111, 112 (May–June 2008) (Venez.) available at http://www.nuso.org/upload/articulos/3525_1.pdf (last visited Feb. 23, 2013).

32. See Maingon, *supra* note 28, at 55–56.

33. See generally PROGRAMA DEL GOBIERNO [Government Program] (May 22, 2000) (Venez.), available at <http://www.analitica.com/bitblo/hchavez/programa2000.asp#sociedad> (last visited Feb. 23, 2013).

34. *Dragon in the Tropics*, *supra* note 23, at 47.

35. See Maingon, *supra* note 28, at 56.

36. See *id.* at 49–50.

37. For a list and description of these programs, see generally, , *Programa Social Caldera* [Caldera Social Program], available at <http://americo.usal.es/oir/opal/Documentos/Venezuela/PartidoConvergencia/ProgramaSocialCaldera.pdf> (last visited Feb. 23, 2013).

38. Neritza, *supra* note 21, at 316–17.

39. See *id.* at 317.

40. See Vera, *supra* note 31, at 121.

were maintained by the Chávez administration at least until 2001⁴¹ when they were eliminated as part of a comprehensive fiscal adjustment.⁴²

President Chávez promised to retool government institutions in a way that empowered the disenfranchised and contributed to the attainment of social justice and economic prosperity.⁴³ To further these goals, he actively promoted the idea of a new Constitution that would include a large number of socially oriented provisions and recognize the importance of a number of third generation rights.⁴⁴ The new Constitution, approved by referendum on December 15, 1999 became the backbone of the government's political agenda because it expanded the powers of the executive to unprecedented levels.⁴⁵ The 1999 Venezuelan Constitution has been labeled the most presidentialist of all Latin American constitutions currently in effect.⁴⁶

The new Constitution redefined the political system as a participatory democracy.⁴⁷ This meant that ordinary citizens were expected to play a more direct role in the operation of the state and social rights were redefined in order to offer broader protections.⁴⁸ Members of certain social groups who had been traditionally absent from the political scene such as indigenous peoples and women were now recognized and empowered through the granting of important rights.⁴⁹ An Electoral Branch (*Poder Electoral*)⁵⁰ and a Citizen's Branch (*Poder Ciudadano*)⁵¹ were added to the existing branches of government; further, Congress was transformed into a unicameral body that became the National Assembly.⁵² This resulted in a streamlined law-making process, making it easier to whoever attained the majority of the single chamber to also control the entire legislative

41. See Neritza, *supra* note 21, at 323.

42. *Clientelism and Social Funds*, *supra* note 10, at 70.

43. See Gómez, *supra* note 19, at 192.

44. See Vera, *supra* note 31, at 114.

45. See Gómez, *supra* note 19, at 193.

46. See *Dragon in the Tropics*, *supra* note 23, at 19.

47. See CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA] art. 62 (1999).

48. See *id.* art. 75.

49. See *id.* art. 119–26.

50. See *id.* art. 292–98.

51. See *id.* art. 273–91.

52. See CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA] art. 186 (1999).

process.⁵³ The internal checks and balances, which had helped maintain political equilibrium over the past four decades, were clearly dismantled.⁵⁴

As will be explained in greater detail later, the approval of the new Constitution was also viewed by the government as an important step towards subordinating the remaining parts of the legal system to the executive branch.⁵⁵ This became evident when, in the year 2000, the National Assembly granted the president extraordinary powers to enact emergency legislation in areas otherwise limited to congressional authority.⁵⁶ The president has repeatedly used these powers to enact most of the legal instruments intended to implement social policies.

The new administration gave legal tools a prominent role, helping reinstitute the societal perception of the rule of law as a vital element in the operation of a state. The government, at least in a rhetorical sense, heralded the law “as a condition of social justice and democratic participation.”⁵⁷ It became apparent over the next few years, however, that despite the Chávez administration’s emphasis on the centrality of the legal system, legal institutions did not operate independent from political interference.⁵⁸ On the contrary, the government has made clear that legal principles are subject to a very elastic interpretation that depends on the changing needs of the political establishment.⁵⁹ Therefore, the law is very important only as a malleable concept subordinated to the political agenda.

A. Social Programs in the Hands of the Military: Rise and Fall of the Plan Bolívar 2000

In 1999, the Chávez administration launched its first poverty alleviation initiative via a military-civilian campaign named Plan Bolívar

53. See Gómez, *supra* note 19, at 193–94.

54. See ALLAN-RANDOLPH BREWER CARÍAS, *DISMANTLING DEMOCRACY IN VENEZUELA: THE CHÁVEZ AUTHORITARIAN EXPERIMENT I* (Cambridge University Press, 2010).

55. Gómez, *supra* note 19, at 193; see also *id.*

56. See Bolivarian Republic of Venezuela, Official Gazette 37,077 of 14 Nov. 2000.

57. See generally Rittich, *supra* note 9, at 204 (Arguing that law has acquired a prominent role in the context of second generation, post-Washington consensus reforms, “whether under the rubric of the rule of law, good governance, or best practices.”).

58. See Rogelio Pérez-Perdomo, *Derecho y Cultura Jurídica en Venezuela en Tiempos de Revolución (1999–2009)* [*Law and Legal Culture Revolution in Venezuela in Revolutionary Times*] 6 (Fundación Manuel García Pelayo, 2009).

59. See generally, Jesús M. Delgado, *Revolucion y Derecho*, in ESTUDIOS SOBRE LA CONSTITUCIÓN: LIBRO-HOMENAJE A RAFAEL CALDERA 2595–00 (Universidad Central de Venezuela, 1979).

2000 (PB).⁶⁰ PB was limited to a series of specific actions designed to assist only those in extreme poverty.⁶¹ The implementation of this program was entrusted to the military and it did not move through the regular institutional channels.⁶² However, the direct oversight of PB was in the hands of the presidency.⁶³

PB started with an initial budget of \$170 million USD.⁶⁴ It involved approximately forty thousand troops who were deployed around the country, distributing food in poor areas, vaccinating children, painting hospitals, rebuilding schools, organizing literacy campaigns, providing free meals, and transporting people aboard military aircraft as a way to defray the high cost of air travel.⁶⁵ The government vowed to use PB as a vehicle to foster military-civilian cooperation,⁶⁶ but also employed it as way to exclude the opposition governors and mayors from the management of social investment funds and to reward those who were loyal to the president.

In December of 2000, a presidential decree⁶⁷ enabled the administrators of PB to award contracts and allocate resources directly to private parties and individuals without any outside control. As part of this scheme, the need for competitive bids was eliminated, along with other safeguards ordinarily applicable to public contracts. PB was divided into three implementation phases that would gradually include other actors such as volunteer citizens and certain public agencies.⁶⁸ Table 1 shows the different stages of the plan, the implementing entity, and the goals of each phase.

60. See Maingon, *supra* note 28, at 57.

61. See *id.*

62. *Id.* at 58.

63. Maingon, *supra* note 28, at 57.

64. José Manuel Puente, *Enfoque Presupuestario: Presupuesto Público en Venezuela* [Budget Discussion: Public Budget in Venezuela], PRESENTATION GIVEN AT FORO IESA-ENFOQUE 2006 (Feb. 10, 2006) (manuscript on file with author).

65. See Ferrell, *supra* note 15, at 6.

66. See *id.*

67. See Bolivarian Republic of Venezuela, Official Gazette 36,658 of 10 March 1999.

68. See Maingon, *supra* note 28, at 57–58.

Table 1: Stages of the Plan Bolívar 2000⁶⁹

Stage	Implementing entity	Activities/Goals
Proyecto País (Pro-País)	Armed forces/military personnel	Provide assistance to the most disadvantaged and excluded groups of the Venezuelan society in order to alleviate their urgent social needs. (Instead of facilitating access, it created a parallel system)
Proyecto Patria (Pro-Patria)	Selected public employees and unemployed citizens enrolled as voluntary personnel	Involve larger social groups into socially minded activities geared to promote “productivity”.
Proyecto Nación (Pro-Nación)	Several government agencies, under the supervision of CORDIPLAN, the Presidential Office for Coordination and Planification.	A variety of “structural” projects focused on the petrochemical, agricultural, and educational sectors.

PB did not survive its initial stage because numerous tensions grew with respect to its management and oversight. Further, the military commanders in charge of the plan became the target of a corruption scandal, which adversely affected the public perception of this policy and the government’s initial popularity.⁷⁰ After the allegations of corruption involving PB became widespread, the government dismantled it.⁷¹

Little is known about the real impact of PB because of the secrecy surrounding its implementation and the government’s reluctance to conduct or allow an assessment of this short-lived social program.⁷² The insulation of the PB from any external oversight was possible in great part due to a legal framework that allowed it to exist and remain excluded from any

69. *Id.*; see Edgar Córdova Jaimes, *Los modelos de administración pública y espacios de participación ciudadana en Venezuela* [The models of public administration and citizen participation spaces in Venezuela], REFLEXIÓN POLÍTICA [POLITICAL REFLECTION], Dec.2007, at n. 15.

70. *See id.* at 58.

71. *See id.*

72. *See id.* at 70; see Vera, *supra* note 31, at 115.

official probe. The perception is that PB served more as a mechanism to buy political support from the military or to reward loyalty to the government's political projects than to actually help fight poverty. Despite the scandals surrounding the demise of PB, the Venezuelan government continued to rely on similar strategies to formulate and implement its social policies.

B. The Unified Social Fund and Other Institutional Tools

In the aftermath of PB, a Unified Social Fund (USF or *Fondo Único Social*) was launched as a hub for the government's social agenda. As in the case of PB, USF was placed under the direct supervision of the Presidency and completely detached from any external oversight and control.⁷³ USF was put in charge of administering and allocating the resources reserved by the central government to finance its social policies.⁷⁴ It was also given broad discretion on how, where, and with whom to invest its capital.⁷⁵

The decree that established USF mentioned a wide variety of programs designed to strengthen social development, health, education, and to foster a "competitive popular economic model" with emphasis on cooperatives and micro financing.⁷⁶ Regarding the latter, the administration supported the creation of a Fund of Micro Financial Development and two Banks *Banco del Pueblo Soberano*⁷⁷ and *Banco de la Mujer*,⁷⁸ whose main purpose was to facilitate access to microcredit to those who otherwise could not qualify for a conventional bank loan. These initiatives, however, were poorly planned and lacked self-sustainability. None of these institutions had a system in place to ensure the repayment of loans or to educate and assist borrowers. These borrowers were selected based on their membership in the ruling political party rather than on their individual merits. For example, by 2007, Banco del Pueblo Soberano had allocated only 34% of its capacity in small credits and had a bad debt portfolio of 24%, which is sixteen times higher than the average financial institution.⁷⁹

73. See Bolivarian Republic of Venezuela, Official Gazette 37,322 of 12 November 2001, art 2.

74. See Maingon, *supra* note 28, at 58.

75. See *id.*

76. See *id.* at 58.

77. *Id.*, at 59, n.15.

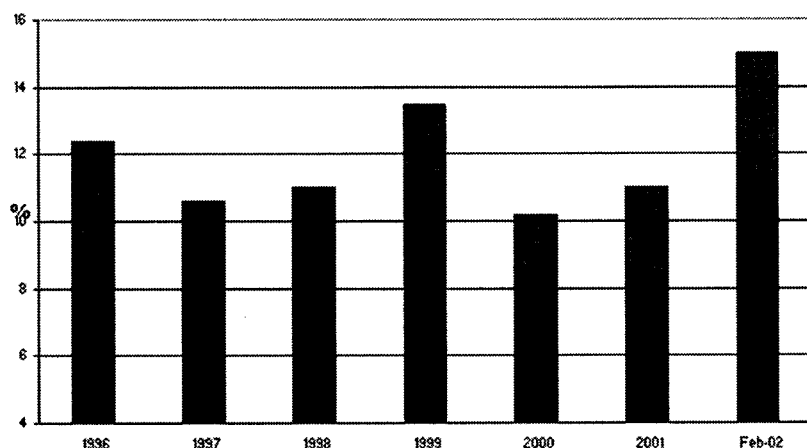
78. *Id.*

79. See Vera, *supra* note 31, at 116.

1. Misiones to Save the People⁸⁰

The failure of the government's early social programs and desperate efforts to jumpstart the economy became evident as the unemployment rate increased from 10% in 2000 to 15% in early 2002 as shown in the following chart.

Chart 3: Unemployment rate between February 1996 and February 2002⁸¹



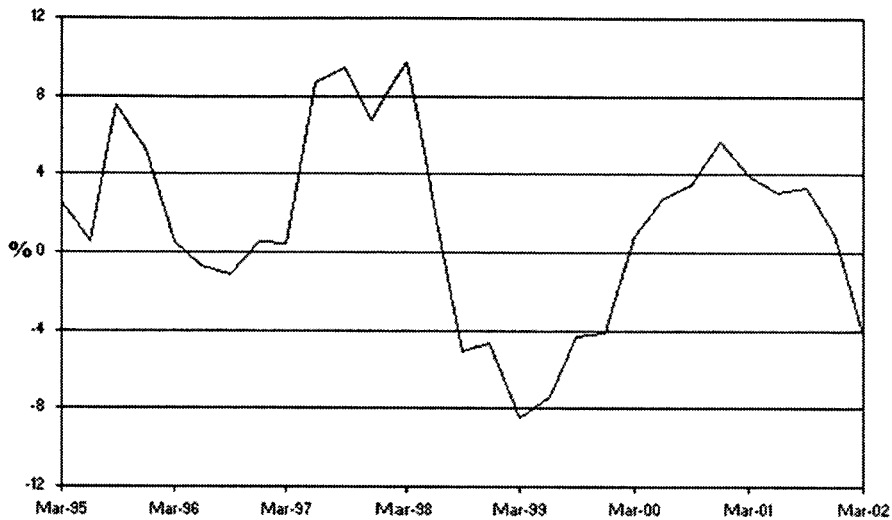
The rapidly rising unemployment rate was linked to a significant decrease in the country's economic activity. By the end of 2001, Venezuela's GDP had fallen dramatically to minus 4%, whereas the government had initially projected it at 2.7%.⁸² Oil prices had also dropped 21.65% between 2000 (\$25.91 USD per barrel) and 2001 (\$20.30 USD per barrel) and the country's international reserves decreased accordingly from \$15,685 USD million to \$12,289 USD million.⁸³ The following chart shows the annual GDP variation between March 1995 and March 2002.

80. This was the initial name given by President Chávez to his new social intervention tools during the speech given to outline his administration's social policy. *Dragon in the Tropics*, *supra* note 23, at 26.

81. See Vera, *supra* note 31, at 114; Instituto Nacional de Estadísticas de Venezuela [Venezuelan National Institute of Statistics], *Tasa de Actividad, Empleo y Desempleo* [Rate of Activity, Employment and Unemployment], available at http://www.ine.gub.uy/banco%20de%20datos/act_emptedesem/ECH%20TOT%20A-E-D%20TM.xls (last visited Oct. 7, 2013).

82. See *id.* at 113.

83. See *id.* at 114.

Chart 4: Annual GDP variation (%) between 1992 and 2002⁸⁴

By early 2002, the economic climate was one of significant tension and turmoil. The political scenario also became heavily polarized. Numerous street protests took place and a national strike paralyzed the oil industry, which is the main engine of the country's economy. The government took a radical stance and threatened to nationalize the banking system, take direct control of the national oil company (PDVSA), and unleash a series of measures against the private sector, including the confiscation and expropriation of industrial facilities and land and heavy equipment.⁸⁵ According to the government, this would help strengthen the economic transformation and accelerate the recovery process while neutralizing the political resistance to the new agenda.⁸⁶

On April 11, 2002, a group of civilian protesters marched toward the presidential palace to voice their discontent with these controversial measures.⁸⁷ The President was briefly deposed and a *de facto* regime took

84. See Mark Weisbrot and Luis Sandoval, Center for Economic and Policy Research, *The Venezuelan Economy in the Chávez Years* (2007) 4, available at http://venezuelanalysis.com/files/pdf/cepr_economy_venezuela_07_07.pdf

85. See *Corrales Testimony*, *supra* note 15; *Dragon in the Tropics*, *supra* note 23, at 23.

86. See Vera, *supra* note 31, at 120.

87. See *Dragon in the Tropics*, *supra* note 23, at 21.

over, only to be ousted twenty-four hours later. President Chávez was reinstated soon thereafter.⁸⁸

In the aftermath of this political crisis, leaders of the private sector were accused of staging a coup d'état and became the target of a political offensive by the government.⁸⁹ Around the same time, a group of civil society organizations began gathering support for a recall referendum against the President to be held in August of 2004.⁹⁰ Political turmoil and harsh economic circumstances undermined the government's popular support. By the end of 2003, the real GNP fell to -7.8% and the unemployment rate reached 16.7%, the highest in twenty years.⁹¹

In response to the ever-increasing threat of impeachment (that would end the Bolivarian Revolution), the government's top priority became regaining popular support in order to stay in power. To further this end, the administration utilized every conceivable means to raise its popularity and embarked on a fierce campaign to prevail in the recall referendum.⁹² A year later, the government defeated the petition through a controversial electoral process marred with accusations of political manipulation.⁹³

The most important action in the government strategy to boost its popular support in a swift manner was the announcement of a new Strategic Social Plan (SSP, or *Plan Estratégico Social*).⁹⁴ The main component of SSP was the deployment of several state-funded poverty alleviation initiatives called *Misiones Bolivarianas*.⁹⁵ The purpose of the Misiones was to deliver goods and services directly to the poor, thus circumventing the traditional bureaucracy and other official channels.⁹⁶ As time was of the essence, the government's strategy of launching its social programs outside of the state apparatus seemed the most effective and reliable to help achieve its political ends. Not only did the Misiones help boost the government's

88. *Id.* at 22.

89. *See* Gómez, *supra* note 19, at 192.

90. *See* Vera, *supra* note 31, at 113.

91. *Id.* at 117.

92. *See Clientelism and Social Funds*, *supra* note 10, at 73.

93. *See id.* at 65.

94. *See* Maingon, *supra* note 28, at 63.

95. *See* Comité Técnico, *Misiones Bolivarianas de Venezuela*, SOCIOLOGÍA PLANIFICA (Feb. 23, 2013, 5:38 PM), <http://sociologiaplanifica.blogspot.com/2011/04/misiones-bolivarianas-de-venezuela.html> (Oct. 9, 2013); *see also* Ministerio del Poder Popular para Relaciones Exteriores, Gobierno Bolivariano de Venezuela [Ministry of the Popular Power of Planning and Financing] (Feb. 19, 2013 12:00 PM), *available at* http://ceims.mppre.gob.ve/index.php?option=com_content&view=article&id=527&Itemid=66 (last visited Feb. 21, 2013) (describing *Las Gran Misiones Bolivarianas*).

96. *See* Maingon, *supra* note 28, at 49–50.

popularity and defeat the 2004 recall referendum, but they also proved to be an effective long-term strategy to maintain the regime's political support platform.

During the last decade, the Venezuelan government has invested more than \$5 billion or about 4.5% of its annual gross domestic product (GDP)⁹⁷ in the implementation of more than thirty Misiones.⁹⁸ These social programs encompass an ambitious assortment of poverty alleviation and development-promoting initiatives to address a wide range of areas. They include the provision of health services,⁹⁹ cash transfers,¹⁰⁰ literacy and other educational programs,¹⁰¹ community building,¹⁰² conservation and use of natural resources and energy,¹⁰³ the protection of indigenous peoples,¹⁰⁴

97. The real magnitude of social spending under the Chávez administration is difficult to determine, as there are no reliable sources of data about it. One possible indicator relied upon by experts is the accumulated fiscal deficit, which in 2006 "reached 2.3 percent of the GDP despite a fivefold expansion in oil prices during the previous three years." According to Corrales and Penfold, the special government fund established by the government to finance its social programs was at some point "believed to hold more than \$15 Billion from the oil windfall." See *Dragon in the Tropics*, *supra* note 23, at 42.

98. See *infra* Appendix 1: List of Bolivarian Misiones.

99. See e.g., *Misión Barrio Adentro* [Mission Inside the Neighborhood], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://ceims.mppre.gob.ve/index.php?option=com_content&view=article&id=39:mision-barrio-adentro-i-ii-iii-iv&catid=23:misiones-bolivarianas&Itemid=66 (last visited Feb. 23, 2013) [hereinafter *Mission Inside the Neighborhood*].

100. See e.g., *Mothers of the Shanty Towns*, *supra* note 11.

101. See e.g., *Misión Ribas* [Mission Ribas], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://fegs.gerenciasocial.gob.ve/paginas/AMISION_RIBAS.html (Oct. 9, 2013); *Misión Robinson* [Mission Robinson], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://fegs.gerenciasocial.gob.ve/paginas/AMISION_ROBINSON_1.html (Oct. 9, 2013); *Misión Sucre* [Mission Sucre], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://fegs.gerenciasocial.gob.ve/paginas/AMISION_SUCRE.html (Oct. 9, 2013); *Misión Ciencia* [Mission Science], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://fegs.gerenciasocial.gob.ve/paginas/AMISION_CIENCIA.html (Oct. 9, 2013); *Misión Alma Mater* [Mission Alma Mater], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://www.mppeu.gob.ve/web/uploads/documentos/documentosVarios/pdf21-12-2009_07:30:40.pdf (Oct. 9, 2013).

102. See e.g., *Misión 13 de Abril* [Mission April 13], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013) [hereinafter *Mission April 13*].

103. See e.g., *Misión Revolución Energética* [Mission Energetic Revolution], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013) [hereinafter *Mission Energetic Revolution*].

104. See e.g., *Misión Guaicaipuro* [Mission Guaicaipuro], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (last visited) [hereinafter *Mission Guaicaipuro*].

and the redistribution of unused lands.¹⁰⁵ Each Misión serves a specific purpose set forth in the act by which it was created (typically a presidential decree), operating independently from the other social programs and is usually removed from the oversight of most official government agencies.

Despite the fact that most Misiones have been launched and maintained independently, the Venezuelan government has placed them under a comprehensive agenda symbolically called Misión Cristo, an umbrella plan that vows to eradicate poverty in Venezuela by the year 2021.¹⁰⁶ Theoretically, this objective is aligned with the country's Economic and Social Development Plan (ESDP),¹⁰⁷ which in turn follows the United Nations Millennium Development Goals¹⁰⁸ and the principles set forth by the World Health Organization (WHO).¹⁰⁹ The mention of these principles in the formulation of different strategies geared towards fighting poverty and providing primary health care to the underserved adds a sense of legitimacy to these policies.

Other Latin American countries have previously embarked on or are currently carrying out social programs designed to alleviate poverty and reduce inequality. Some examples often mentioned in the academic literature are the FONCODES program implemented by President Alberto Fujimori in Peru during the 1990s,¹¹⁰ the PRONASOL program carried out

105. See e.g., *Misión Zamora* [Mission Zamora], Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 18, 2013 4:00 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013) [hereinafter *Misión Zamora*].

106. See *Misiones Cristo*, Gobierno en Línea, Gobierno Bolivariano de Venezuela [Government on Line] (Feb. 7, 2013 7:00 PM), http://gobiernoenlinea.gob.ve/home/misiones_detalle.dot (Oct. 9, 2013) [hereinafter *Misión Cristo*].

107. See FUNDACIÓN ESCUELA DE GERENCIA SOCIAL, MINISTERIO DEL PODER POPULAR DE PLANIFICACION Y FINANZAS [FECS] [Ministry of People's Power for Planning and Development, Venezuela], http://fecs.gerenciasocial.org.ve/paginas/RMISION_CRISTO.html (last visited Oct. 1, 2012) [hereinafter *FECS*].

108. See *Misión Cristo*, *supra* note 106.

109. An example can be found in the declaration of Alma-Ata adopted in 1978 at the International Conference on Primary Health Care. See generally World Health Organization, *Alma-Ata Report of the International Conference on Primary Health Care 2* (1978), available at http://www.unicef.org/about/history/files/Alma_At_a_conference_1978_report.pdf (Oct. 9, 2013) [hereinafter *Alma-Ata Report*].

110. See *Clientelism and Social Funds*, *supra* note 10, at 67–68; see Carol Graham & Cheikh Kane, *Opportunistic Government or Sustaining Reform? Electoral Trends and Public-Expenditure Patterns in Peru, 1990–1995*, 33 *Latin American Research Review* 67, 71 (1998); see generally Christina Paxson & Norbert R. Schady, *Do School Facilities Matter? The Case of the Peruvian Social Fund (FONCODES)* (Policy Research Working Papers No. 2229, 1999), available at <http://elibrary.worldbank.org/content/workingpaper/10.1596/1813-9450-2229> (last visited Oct. 2, 2012).

by the Salinas administration,¹¹¹ and its successor, PROGRESA, implemented by the Zedillo administration in Mexico.¹¹² More recent cases are the Familias en Acción Program¹¹³ created by the Uribe administration in Colombia¹¹⁴ and the Bolsa Escola and Bolsa Familia Programs¹¹⁵ created during the Lula Da Silva administration in Brazil.¹¹⁶

The use of special social funds, including cash transfers and similar programs based on human capital investments, have garnered broad support among policymakers, development agencies, and experts because of their perceived potential for alleviating poverty and promoting economic growth by funneling resources to poor households.¹¹⁷

One of the main features of the Misiones is that they call for the beneficiaries to actively participate in the implementation phase, giving the appearance of legitimacy. Moreover, the organization of the community is used as a mechanism to create a sense of empowerment among the traditionally underserved. In reality, however, the Misiones are only intended to benefit those who have shown unconditional allegiance to the government's ideology and are managed top-down by the central government through a parallel bureaucracy of sorts, completely removed from the oversight of formal institutions.

There are at least two other key features that set the Misiones apart from similar social protection policies¹¹⁸ implemented by other Latin American governments. First, unlike the limited scope of other social funds, which generally target a specific area or social group, the Misiones cover the entire social spectrum and have become the centerpiece of the

111. See *Clientelism and Social Funds*, *supra* note 10, at 66.

112. See *id.* at 67.

113. See Departamento Para la Prosperidad Social de la República de Colombia [DPS] [Dep't for Soc. Prosperity] <http://www.accionsocial.gov.co/contenido/contenido.aspx?catID=204&conID=157> (last visited Feb. 21, 2013).

114. See IEG Public Sector Evaluation, PROJECT PERFORMANCE ASSESSMENT REPORT vii (2011) PL.

115. See Bolsa Família—Ministério do Desenvolvimento Social e Combate à Fome, Brasil [PBF] [Family Allowance Ministry of Social Development and the Fight Against Hunger, Brazil] <http://www.mds.gov.br/bolsafamilia> (last visited Feb. 21, 2013).

116. See Luis Inácio Lula da Silva (1945–present). <http://www.thepresidency.gov.za/pebble.asp?relid=7674&t=79> (last visited Feb. 24, 2013).

117. See e.g., Jishnu Das, Quy-Toan Do & Berk Özler, *Reassessing Conditional Cash Transfer Programs*, 20 THE WORLD BANK RESEARCH OBSERVER 58 (2005); see also Glauco Arbix & Scott B. Martin, *Beyond Developmentalism and Market Fundamentalism in Brazil: Inclusionary State Activism without Statism* (March. 12, 2010) (unpublished manuscript) available at http://www.law.wisc.edu/gls/documents/paper_arbix.pdf (last visited Oct. 2, 2012) (on file with author).

118. See *Behind Poverty*, *supra* note 18, at 99.

Venezuelan government's social agenda.¹¹⁹ The Misiones are also one of the administration's most effective foreign policy tools. At least until 2009, Venezuela had invested around \$17 billion USD in social programs targeted to foreign countries.¹²⁰ By these measurements, the Bolivarian Misiones are one of the largest and most ambitious social programs launched in Latin America during the past decade.¹²¹

A second feature that distinguishes the Misiones from other social programs is the four-pronged strategy employed by the Venezuelan government to implement them. First, the government relies on the active participation of the armed forces to carryout and manage the day-to-day operations of the most salient Misiones. Second, the government designated PDVSA, the state-owned oil conglomerate, as the entity responsible for the financing and administration of the Misiones.¹²² Third, the Misiones are directly subordinate to the executive office of the Presidency and are insulated from any external oversight.¹²³ Finally, the government utilizes specific legal tools¹²⁴ designed to facilitate and streamline the execution of the Misiones in a way that bypasses the formal bureaucracy and ensures their political manipulation.

Depending on their scope, implementation mechanism and objectives, the Misiones can be classified into three groups. The first group comprises the Misiones that address education, culture, political, and social organization. The second group includes the Misiones that focus on food supply, nutrition, and health. The third group includes the Misiones that target public infrastructure, land reform, land ownership, and housing development.

Theoretically, each Misión is subordinated to a government agency or ministry charged with overseeing the implementation of that particular program. In practice, however, the Misiones are directly administered by the Executive Office of the President and financed by PDVSA.¹²⁵ This is accomplished through separate budgetary and accounting channels excluded from any external oversight¹²⁶ and also through granting them a

119. See Ferrell, *supra* note 15, at 7.

120. Javier Corrales, *Using Social Power to Balance Soft Power: Venezuela's Foreign Policy*, THE WASHINGTON QUARTERLY 97, 99 (2009).

121. *Clientelism and Social Funds*, *supra* note 10, at 65.

122. See generally Párraga, *supra* note 16.

123. See generally *id.*

124. By "legal tools" I mean a set or group of laws (statutes, decrees and other forms of official law), legal institutions, and processes enacted and/or used by certain types of actors as a means to pursue a specific goal or objective that is deemed beneficial to a group.

125. See generally Párraga, *supra* note 16, at 37–51.

126. See *Dragon in the Tropics*, *supra* note 23, at 80.

separate legal status. This system allows the administration broad discretion in deciding how to allocate resources, and in selecting who will benefit from the programs.¹²⁷

Out of all the Misiones that have been launched so far, Barrio Adentro and Madres del Barrio represent the boldest steps the administration has taken toward the fulfillment of its top two social priorities: 1) the right of the underserved to universal healthcare; and 2) the alleviation of poverty. In the following section, I describe their structure, the legal tools deployed in their implementation, and the malleability of such instruments for the pursuit of political goals.

III. MALLEABILITY IN ACTION: A CLOSER LOOK AT TWO MISIONES

A. *Misión Barrio Adentro*

Misión Barrio Adentro (MBA) is a program geared towards enabling people living in poverty to access a comprehensive set of health services that include urgent, preventive, and outpatient care.¹²⁸ These services are offered free of charge to the beneficiaries and the entire cost is absorbed by the government, which has portrayed MBA as a mechanism to operationalize the constitutional right to health set forth in Article 83 of the Constitution.¹²⁹ In addition to consultation services offered by healthcare providers, MBA involves the design, building, and management of community clinics in areas with restricted or no access to hospitals.¹³⁰ MBA's holistic approach evolved from two previous government programs.¹³¹

The first antecedent was implemented in response to a natural disaster that affected the central coast of Venezuela in December 1999, and claimed

127. See generally Hawkins & Rosas, *supra* note 15; see also *Does Clientelism Work?*, *supra* note 15, at 16.

128. See *Mission Inside the Neighborhood*, *supra* note 99.

129. See CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [*CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA*] art. 83 (1999).

130. See Ferrell, *supra* note 15, at 13.

131. The holistic approach adopted by MBA is not entirely novel. Similar initiatives were adopted in Chile during President Salvador Allende in the early 1970s and became popular among proponents of the Latin American Social Medicine movement. See Howard Waitzkin, Celia Iriart, Alfredo Estrada, Silvia Lamadrid, *Social medicine in Latin America—Productivity & Dangers Facing the Major National Groups*, *THE LANCET*, (July 28, 2001), at 315–23, available at <http://www.sciencedirect.com/science/article/pii/S0140673601054885#> (last visited Feb. 23, 2013); Howard Waitzkin, Celia Iriart, Alfredo Estrada, Silvia Lamadrid, *Social Medicine Then and Now: Lessons From Latin America*, *AM. J. PUBLIC HEALTH*, (Oct. 2001), at 1592–01, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1446835/> (last visited Feb. 23, 2013).

the lives of more than 25,000 people.¹³² In 2000, the Venezuelan and Cuban governments entered into an emergency agreement to provide humanitarian assistance and emergency health services to the victims.¹³³ The second predecessor, Programa Barrio Adentro (PBA), was implemented by the mayor of the Libertador Municipality in Caracas during 2002.¹³⁴ It was a poverty alleviation initiative that constructed temporary clinics.¹³⁵ PBA also implemented a policy whereby a group of Cuban doctors provided healthcare services to the impoverished inhabitants of Libertador.¹³⁶

These programs were well received by their initial beneficiaries, but were also surrounded by controversy. For example, PBA provided free care to almost 100,000 beneficiaries in less than one year.¹³⁷ However, it also pressed the Medical Federation of Venezuela to seek a court order enjoining the Cuban doctors and other foreign healthcare providers from practicing medicine without a license.¹³⁸ The Medical Federation acknowledged the assistance of the foreign doctors during a national emergency but strongly opposed their stay in the country beyond that period.¹³⁹ Even though the courts sided with the Medical Federation, the ruling was never enforced¹⁴⁰ and the number of Cuban doctors and other foreign healthcare providers in Venezuela has skyrocketed ever since.¹⁴¹

132. See NATURAL DISASTER IN VENEZUELA, <http://reliefweb.int/report/venezuela-bolivarian-republic/natural-disaster-venezuela-update-12-jan-2000> (last visited Feb. 20, 2013).

133. Another agreement, signed in October 30, 2000 between Venezuela and Cuba, expanded the bi-national cooperation to other areas such as agriculture, the supply by Cuba of vaccines and other drugs, medical and laboratory equipment, and the training of Venezuelan healthcare professionals in Cuba, for which Venezuela agreed to pay Cuba up to 53,000 barrels of crude per day. See Convenio Integral de Cooperación entre la República de Cuba y la República Bolivariana de Venezuela [Integral Cooperation Accord] http://ctp.iccas.miami.edu/FOCUS_Web/Issue54.htm (last visited Jan. 25, 2013).

134. Vera, *supra* note 31, at 120.

135. *Id.*

136. See generally Yolanda D'Elia, Luis Francisco Cabezas, 'Las Misiones Sociales en Venezuela' [Social Missions in Venezuela] 16 (ILDIS, 2008), available at <http://www.ildis.org.ve/website/administrador/uploads/PolycymisionesYolanda.pdf> (last visited Jan. 28, 2013); Vera, *supra* note 31, at 120.

137. MARIELA HOYER & PATRICIA CLAREMBAUX, BARRIO ADENTRO: HISTORIAS DE UNA MISIÓN [*Mission Inside the Neighborhood*] 120 (Libros de El Nacional, 1st ed., 2009) (Venez.).

138. *Id.* at 17.

139. See Arachu Castro, *Barrio Adentro: A Look at the Origins of a Social Mission* (Fall 2008), available at <http://www.drclas.harvard.edu/publications/revistaonline/fall-2008/barrio-adentro> (last visited Feb. 20, 2013).

140. In the aftermath of the court ruling, the mayor of the Sucre Municipality Mr. Rangel Avalos vowed to rebel against it. See Rangel Avalos Reitera Desacató a Decision de Corte [Rangel Avalos Reiterates Disrespect for Court's Decision]

Despite the legal controversy surrounding the presence of Cuban doctors in Venezuela, the national government decided to expand PBA throughout the rest of the country and gave it full support. Between April and June of 2003, around one hundred Cuban healthcare providers arrived to lead the first phase of the program in Caracas.¹⁴² In late December of that same year, via a special decree, the President announced the creation of a Special Commission for the Implementation and the Institutional Coordination of the Misión Barrio Adentro (SCMBA).¹⁴³ A month earlier, the President had also formally launched MBA¹⁴⁴ as a nationwide program. By this time, there were at least ten thousand Cuban doctors offering their services in twenty-three states.¹⁴⁵ The aforementioned presidential decrees expressly provided that MBA was a vehicle to realize the constitutional aspiration of guaranteeing access to health and public participation as set forth in Articles 83 and 84 of the 1999 Constitution.¹⁴⁶ Paradoxically, what “public participation” really meant was that MBA—similarly to the rest of the Misiones—was to be kept outside of the official bureaucracy and controlled instead by political actors.¹⁴⁷

MBA offers home visits by doctors and other healthcare providers who work on foot around the poorest shantytowns.¹⁴⁸ It also offers free services in three types of facilities: Centers of Comprehensive Diagnosis (*Centros de Diagnóstico Integral*), Rehabilitation Halls (*Salas de Rehabilitación*),

http://buscador.eluniversal.com/2003/09/11/ccs_art_11277B.shtml (last visited Jan. 25, 2013). Moreover, in the aftermath of this and other judicial decisions adverse to government policies, several judges were summarily dismissed and their court eliminated. The judges brought their case to the Inter-American system of Human Rights and obtained a favorable ruling, which the Venezuelan government resisted to comply with. *See generally* Corte Interamericana de Derechos Humanos- Caso Apitz Barbera y Otros (“Corte Primera de lo Contencioso Administrativo”) vs. Venezuela [Interamerican Court of Human Rights- Apitz Barbera, et. al. v. Venezuela] http://www.corteidh.or.cr/docs/casos/articulos/seriec_182_esp.pdf (last visited Jan. 25, 2013).

141. *See* Hoyer & Clarembaux, *supra* note 137, at 11.

142. *See* Castro, *supra* note 139.

143. *See* GACETA OFICIAL [G.O.], Decree 2.745 (Dec. 14, 2003) (Venez.), *available at* <http://www.tsj.gov.ve/gaceta/Enero/260104/260104-37865-02.html> (last visited Feb. 21, 2013).

144. *See* Castro, *supra* note 139.

145. Hoyer & Clarembaux, *supra* note 137, at 14.

146. *Barrio Adentro Supera las 278 Millones de Consultas Medicas* [Barrio Adentro Exceeds 278 Million Doctor Visits], APPORREA.ORG, *available at* <http://www.aporrea.org/misiones/n109364.html> (last visited Feb. 20, 2013) [hereinafter *Barrio Adentro Supera Las 278 Millones De Consultas Medicas*].

147. *See* Nava, *supra* note 14, at 95.

148. *See* Clientism and Social funds, *supra* note 10, at 63.

and High Technology Centers (*Centros de Alta Tecnología*).¹⁴⁹ These facilities operate in popular clinics built by the government in remote or inaccessible areas, in schools, churches, or even in private homes.¹⁵⁰

The medical equipment, furniture, and supplies are provided by presidential orders based on recommendations by those in charge of supervising the Misiones.¹⁵¹ Those involved in the management of MBA are also members of the Partido Socialista Unido de Venezuela (PSUV) and are often required to remain actively involved in political activism on behalf of the government.¹⁵²

The funds come from the *Fundación Oro Negro*, a special entity created by PDVSA, to channel oil revenues into social funds.¹⁵³ The salaries of the Cuban healthcare providers are paid directly to the Cuban government under a special agreement signed with the Caribbean nation.¹⁵⁴ Venezuelan employees include the hosts of the numerous medical facilities that operate out of private homes, and are paid through a special account set up by the Ministry of Health and Social Development.¹⁵⁵ The direct involvement of ordinary citizens in the operation of MBA is encouraged by the government as part of its goal to enhance public participation in the implementation of the social policy.¹⁵⁶ However, only those affiliated with the PSUV are allowed to attain managerial positions within the Misiones.¹⁵⁷

Some public hospitals have been integrated into MBA in order to serve patients in need of hospitalization or critical care that is not offered at the popular clinics; however, MBA largely remains outside the scope of the formal healthcare infrastructure.¹⁵⁸ MBA does not have a fixed budget.¹⁵⁹ Instead, government funds are allocated to MBA based on current needs,

149. See Castro, *supra* note 139.

150. See Hoyer & Clarembaux, *supra* note 137, at 11. By November of 2004, out of the 8513 MBA clinics, only 217 were housed in special facilities built by the government (octagonales) and the vast majority operated out of private homes. See Hoyer & Clarembaux, *supra* note 137, at 69.

151. See Interview with Administrator of Mision Barrio Adentro, in Caracas (June 2010) (on file with author) [hereafter, Interview 12].

152. See PSUV SUPERVISA LAS OBRAS DEL GOBIERNO, <http://lanegraantonioa.psuv.org.ve/2011/10/23/noticias/psuv-supervisa-las-obras-del-gobierno/#.USppWKVU3wx> (last visited Feb. 24, 2013).

153. See Hoyer & Clarembaux, *supra* note 137, at 67.

154. See ALBA-TCP AGREEMENT, art. 14, § 3 (2006).

155. See Hoyer & Clarembaux, *supra* note 137, at 72.

156. See Ferrell, *supra* note 15, at 13.

157. See Interview 12, *supra* note 151.

158. See Hoyer & Clarembaux, *supra* note 137, at 75.

159. See *id.* at 67.

which seem to peak around electoral times. These needs are identified by the different layers of managing supervisors and are approved by the executive office of the President.¹⁶⁰ As previously stated, the financing of MBA as well as the rest of the Misiones is the direct responsibility of PDVSA, which channels a portion of the oil revenues into social programs and other forms of assistance.¹⁶¹

The role of the military in the implementation of MBA is also very important. The Ministry of Defense, through the Proyecto País Foundation and its Infrastructure Office, is in charge of designing and building the *octagonales*, buildings that house the popular clinics.¹⁶² The Ministry of Defense also collects data on the activities carried out under MBA,¹⁶³ controls the inventory of the clinics, and provides weekly reports to the Presidential Palace, which is where most decisions involving the Misiones are made.¹⁶⁴ Military personnel have also been charged with providing logistical support to MBA, primarily in rural and remote areas.¹⁶⁵ These duties include the transportation of patients in need of specialized treatment from those areas to the cities, or to Cuba for certain types of surgery.¹⁶⁶

160. See Interview 12, *supra* note 151.

161. As a way to facilitate this process, in 2005 the National Assembly passed an amendment to the Central Bank Law (*Ley del Banco Central de Venezuela*), which main goal was to enable PDVSA to withhold a percentage of the earnings obtained for oil exports. See generally LEY DEL BANCO CENTRAL DE VENEZUELA [LAW OF THE BANK OF VENEZUELA], <http://www.bcv.org.ve/Upload/Publicaciones/LEYBCV2005.pdf> (last visited Jan. 25, 2013); see Párraga, *supra* note 16, at 27.

162. According to some sources interviewed by Hoyer and Clarembaux (2009), however, the entities in charge of building the octagonales are the Fondo Unico Social and the Fondo Venezolano de Inversión Social, both under the supervision of the Ministry of Health and Social Development. See Hoyer & Clarembaux, *supra* note 137, at 69.

163. Hoyer & Clarembaux, *supra* note 137, at 75. None of this data, however, is released to the public.

164. See Hoyer & Clarembaux, *supra* note 137, at 75.

165. See *id.*

166. See Ferrell, *supra* note 15, at 13. Another program dubbed Mision Milagro, offers the opportunity to visually impaired citizens to fly to Cuba in order to undergo surgery in one of that nation's specialized hospitals. Similar agreements have been entered into between Cuba and other Latin American nations including El Salvador, Guatemala, Bolivia, Argentina, and the Dominican Republic. See *Misión Milagro* [Mission Miracle], Ministerio del Poder Popular para Relaciones Exteriores, Gobierno Bolivariano de Venezuela [Ministry of the Popular Power of Planning and Financing] (Feb. 20, 2013, 10:00 PM), http://ceims.mppre.gob.ve/index.php?itemid=28&id=13&option=com_content&view=article (Oct. 9, 2013) [hereinafter *Misión Milagro*].

MBA is free to everyone, and there are no special qualification requirements for assistance under this program.¹⁶⁷ However, there is evidence that the government has invested more generously in areas where political support for the ruling party is strong, while leaving shantytowns not loyal to the government off of the MBA grid.¹⁶⁸ As Penfold has pointed out, “Barrio Adentro was not necessarily a program targeted towards the states with the largest number of poor although it was targeted to those states that had the largest number of political loyalists.”¹⁶⁹ Others have stressed that the provision of specialized or complex medical procedures is often conditioned on patient registration as a member of the Partido Socialista Unido de Venezuela (PSUV).¹⁷⁰

The fact that MBA is handled through extra-official channels makes it difficult to know how many people it employs, including the number of foreign (mainly Cuban) doctors and other healthcare providers. It is also difficult to know how much money it costs to run the program.¹⁷¹ However, according to a 2008 report published by the Ministry of Information and Communications, MBA doctors had offered almost 285 million consultations and paid more than 124 million home visits to people living in areas with no access to the formal healthcare system since its inception.¹⁷² According to the same report, there were 3267 popular clinics and 6743 health committees operating nationwide.¹⁷³

Notwithstanding the lack of more precise information about MBA, the perception is that it reaches a broad sector of the population or at least those who have been traditionally excluded from the formal healthcare system and have also shown signs of political loyalty to the administration.

The government justified its support of MBA on its policy commitment to ensure free access to primary health care (as outlined in the

167. See Ferrell, *supra* note 15, at 12.

168. See Penfold-Becerra, *Clientelism and Social Funds: Empirical Evidence from Chávez's "Misiones" Programs in Venezuela*, 1 LATIN AMERICAN POLITICS AND SOCIETY 28 (draft Winter 2007), available at http://siteresources.worldbank.org/INTDECINEQ/Resources/1149208-1147789289867/IIWB_Conference_Clientelism_and_Social_FundsREVISED.pdf (Oct. 9, 2013) [hereinafter *Draft of Clientelism*] (*Clientelism and Social Funds* is the published version of this source).

169. *Id.* at 27.

170. Sara Carolina Díaz, *Registro en Misiones va de la mano de la campaña roja* [Registration in the Missions Goes in Hand with the Red Campaign], EL UNIVERSAL (May 7, 2012), <http://www.eluniversal.com/nacional-y-politica/120507/registro-en-misiones-va-de-la-mano-de-la-campana-roja> (Oct. 9, 2013).

171. Unfortunately, no official data on the total cost of this or any other Misiones is publicly available.

172. Hoyer & Clarembaux, *supra* note 137, at 101.

173. *Id.*

declaration of Alma-Ata, adopted in 1978 at the International Conference on Primary Health Care)¹⁷⁴ and the right to free health outlined in Article 83 of the Constitution.¹⁷⁵ Principle VI of the Alma-Ata declaration stresses that:

Primary health care is essential health care based on practical, scientifically sound and socially acceptable methods and technology made universally accessible to individuals and families in the community through their full participation and at a cost that the community and country can afford to maintain at every stage of their development in the spirit of self-reliance and self-determination. It forms an integral part both of the country's health system, of which it is the central function and main focus, and of the overall social and economic development of the community. It is the first level of contact of individuals, the family and community with the national health system bringing health care as close as possible to where people live and work, and constitutes the first element of a continuing health care process.¹⁷⁶

The link between primary healthcare and social and economic development was adopted by the Venezuelan government as an express policy in its 2001–2007 National Economic and Social Development Plan, and it was praised on more than one occasion by foreign governments, progressive political leaders,¹⁷⁷ local NGOs,¹⁷⁸ and international organizations.¹⁷⁹ Primary healthcare is also seen as a means to alleviate poverty because of its potential to improve the living conditions of the

174. See *Alma-Ata Report*, *supra* note 109.

175. See generally Gaceta Oficial de la República Bolivariana de Venezuela, n.36.860 (Dec. 30, 1999) (Venez.), available at www.pnuma.org/deramb/.../CONSTITUCION.doc (Oct. 9, 2013).

176. See *Alma-Ata Report*, *supra* note 109, at 3.

177. See generally Plan de Desarrollo Económico y Social de la Nación 2001–2007 [Development plan of the nation 2001–2007] Madres del Barrio, http://fegs.gerenciasocial.gob.ve/paginas/RMISION_MADRES_DEL_BARRIO.html (last visited Feb. 5, 2013) [hereinafter *Development Plan*].

178. See Carlos H. Alvarado, et al., *Social Change and Health Policy in Venezuela*, 3 SOCIAL MEDICINE, 95, 99 n.2 (2008).

179. See e.g., UNICEF, *Venezuela's Barrio Adentro: A Model of Universal Primary Health Care*, IMMUNIZATION PLUS QUARTERLY, Jan.–Mar. 2005; *Mission Barrio Adentro: The Right to Health and Social Inclusion in Venezuela*, WORLD HEALTH ORGANIZATION (2005).

general population and the absorption by the state of healthcare costs that otherwise would be borne by the general population.¹⁸⁰

Another important component of this policy is the active participation of the citizenry in the delivery of social services,¹⁸¹ and the direct efforts of the state to reach out to the poor. However, most of the criticisms launched against the implementation of MBA have attacked the “direct intervention” component, as some view it as a governmental strategy to bypass all controls, avoid accountability, and manipulate social programs in pursuit of a political agenda.¹⁸²

As the backbone of the Bolivarian Misiones, MBA is related to several other poverty-alleviating initiatives that target specific groups. Misión Madres del Barrio, which I now describe, is among the most salient.

B. *Misión Madres del Barrio*

Misión Madres del Barrio (MMB), formally created in 2006 by Presidential decree 4342, purports to support women living in situations of extreme poverty for a limited period of time.¹⁸³ It assists these women in becoming productive and financially independent. The beneficiaries of MMB are homemaker women with dependents (children, parents, or other family members), and whose family income is below the minimum salary.¹⁸⁴

The support comes in the form of an unconditional cash transfer (UCT)¹⁸⁵ paid to the beneficiaries every month through an authorized financial institution or through the Social Security Administration (*Instituto Venezolano de los Seguros Sociales*).¹⁸⁶ The maximum amount of the subsidy is 80% of the minimum salary without any time limit, although the expectation is that in most cases the aid will be temporary in nature.¹⁸⁷

180. See *Lines Generales del Plan de Desarrollo Económico y Social de la Nación 2001–2007* [General Lines of the Economic and Social Development Plan of the Nation 2001–2007] http://portaleducativo.edu.ve/Políticas_edu/planes/documentos/PlanDesarrolloESN-2001-07.pdf (Oct. 9, 2013).

181. See Nava, *supra* note 14, at 93. The government has achieved this by allowing some of the MBA clinics to be housed in private residences. See Hoyer & Clarembaux, *supra* note 137, at 69.

182. See generally *Does Clientelism Work?*, *supra* note 15.

183. Decree No. 4.342, Mar. 5, 2006, Misión Madres del Barrio San Carlos Cojedes [*Mission Mothers of the Shanty Town San Carlos Cojedes*] art. 1 [hereinafter Decree No. 4.343].

184. *Mothers of the Shanty Towns*, *supra* note 11.

185. See *id.*

186. See *id.*

187. See *id.*

The beneficiaries are divided into four different battalions (*batallones*), each serving a subset of women based on their condition (disability or capacity to work), or place of residence.¹⁸⁸ The following table shows the allocation of each battalion and the total number of beneficiaries during 2006.

Table 2: Distribution of beneficiaries of Misión Madres del Barrio (2006)¹⁸⁹

Battalion	Description	Beneficiaries
First (Madres Lanceras included in the Misión Vuelvan Caracas)	Women in transition to a productive activity and who are able to work	148,739
Second	Mothers from the poorest twenty four municipalities of nationwide	36,925
Third	Mothers affected by a particular disability	5,589
Fourth	Mothers from two additional municipalities in each of the twenty four states	47,291

The policy underlying MMB is contained in the government's 2001–2007 National Economic and Social Development Plan, which expressly set the empowerment of women and the alleviation of poverty as two of its top priorities.¹⁹⁰ In addition, articles 75 and 76 of the 1999 Constitution deem the protection of the family as an active obligation of the state.¹⁹¹

During the early stages of MMB, the beneficiaries were selected by members of a Technical Community Team (TCT, or *Equipos Técnicos Parroquiales*).¹⁹² Potential beneficiaries were selected by a group of more than two thousand volunteer surveyors who interviewed women across the

188. See *Misión Madres del Barrio: Revolución con Rostro de Mujer* [Mission Mothers of the Shanty Town: Revolution with Woman's Face] minci2.minci.gob.ve/reportajes/2/12926/mision_madres_del.prnt (last visited Feb. 21, 2013).

189. *Id.*

190. See *Development Plan*, *supra* note 177.

191. See CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA] art. 75 (1999).

192. See *Development Plan*, *supra* note 177.

country.¹⁹³ The TCT issued a recommendation to the Presidential Commission in charge of the Misión, which in turn issued a final decision on the award. Soon thereafter, the TCT role was taken over by ad hoc Committees (CMB, or *Comité Madres del Barrio*).¹⁹⁴ Each committee was comprised of a group between twenty to two hundred women beneficiaries and volunteer community leaders.¹⁹⁵ According to official records, in March of 2007, there were 2744 committees formed by 83,484 women nationwide.¹⁹⁶

The apparent purpose for leaving the selection of MMB beneficiaries in the hands of members of the targeted communities is to empower the citizenry and foster the idea of social solidarity.¹⁹⁷ The members of CMB tend to be individuals who have shown a great deal of political loyalty to the government, and they are expected to be active members of the PSUV. The CMB are also tasked with coordinating with other Misiones, including MBA (health), Misión Robinson, Misión Ribas and Misión Sucre (literacy and education), and Misión Guaicaipuro (assistance to indigenous people), to determine whether beneficiaries are eligible to obtain other forms of government aid and overcome their situation of extreme poverty.¹⁹⁸

It is also common for CMB members to be involved in the implementation of other Misiones; as they play important political roles in the PSUV, making the likelihood of an overlap between different social programs. Notwithstanding the involvement of the CMB in the initial selection of the beneficiaries and the day-to-day operation of MMB, most decisions related to this program, including the supervision and control of the activities, depend directly on the head of each Misión who reports to the president.

The government's goals for the first year of MMB were to promote the creation of 648 CMB and to benefit at least 200,000 extremely impoverished women.¹⁹⁹ The government also allocated approximately \$156 million USD to MMB.²⁰⁰ As previously discussed, the government has been reluctant to publish sufficient data on the Misiones, and the scant

193. *Id.*

194. *Id.*

195. Decree No. 4.342, *supra* note 183.

196. *Id.* art. 9.

197. *See Mothers of the Shanty Towns, supra* note 11.

198. *See id.*

199. *See Development Plan, supra* note 177.

200. *See* Carlos Aponte Blank, *El Gasto Público Social Durante los Períodos Presidenciales de Hugo Chávez: 1999-2009*[Public Social Spending During the Periods of Hugo Chávez's Presidency], 73 CUADERNOS DEL CENDES, (Jan-Apr. 2010) at 47, n.10.

information available is insufficient to show whether MMB has effectively contributed to the alleviation of poverty and reduce inequality.²⁰¹ What seems to be clear, however, is that the allocation of Misiones' funds has peaked during electoral times and also that the beneficiaries have been usually selected based on their political loyalty rather than their level of poverty or perceived need.²⁰²

IV. MANIPULATING LAW TO SECURE THE SUCCESS OF THE MISIONES

As indicated earlier, a distinctive feature of the implementation process of the Venezuelan social agenda rests on a novel combination of four different strategies utilized by the government to achieve its goals.²⁰³ The government's objectives are to directly reach its potential beneficiaries without any external oversight and to engage certain strategically important actors, including the armed forces and PDVSA, in the delivery of social services. The fact that these actors are politically subordinate to the government facilitates the strategic manipulation of state resources for electoral purposes and the attainment of long-term clientelistic support.

The law has been an important element in this formula, for it has been used by the state as a tool to remove the potential obstacles embedded in multiple layers of bureaucracy; that, according to the government, impedes necessary social intervention. The law has also been employed as a facilitative tool that gives the executive the flexibility it needs to move freely in accomplishing its policy objectives. By developing different legal instruments and promoting the reform of institutions, the government has made no secret of its ideological or discursive use of the law.²⁰⁴ Legal intervention should help optimize the conditions for the realization of

201. See *Dragon in the Tropics*, *supra* note 23, at 42.

202. In an empirical study conducted in 2006 to demonstrate the political manipulation of oil funds by the Venezuelan government, Penfold, observed that "after controlling for poverty conditions those states and municipalities with a larger number of loyalists were favored with more access to some of these programs." He then concluded that:

[T]he use of social funds became a central aspect of [Chávez's] political strategy to win the [2004] recall referendum" and that "it is feasible to assume that these programs have helped create a social cleavage that will continue to be a considerable source of support for Chávez's political movement in the near future; a process obviously facilitated by the oil windfall and the strong concentration of powers on behalf of the executives branch.

See *Draft of Clientelism*, *supra* note 168, at 29–30.

203. See generally Párraga, *supra* note 16.

204. See Rittich, *supra* note 9, at 211 (Pointing out that the "discursive or ideological use of the law" is one of the most salient modes in the connection between the "social agenda and the objectives of democratization.").

important social objectives such as social justice, equality, and democratic participation.²⁰⁵

However, the Venezuelan government seems to have relied on the law mostly to insulate itself from external oversight, allowing it to use social funds at will for vote-purchasing purposes and to build long-term political support. On the surface, the government appears to be promoting a series of legal reforms deemed critical to the fulfillment of a national social development plan.²⁰⁶ However, a more careful examination, taking into account the political context, reveals that far from helping to reduce poverty and inequality, the Misiones have instead helped the government strengthen its political stance.

A. *Types of Legal Intervention used in the Misiones*

The most important of these tools is obviously the 1999 Constitution, which includes language that reflects the state's aspiration to reduce inequality, fight poverty, promote economic growth, encourage political stability, and increase social justice.²⁰⁷ Because the current administration was the main promoter of the latest constitutional reform and the president's political supporters were instrumental in the drafting of many of its provisions, the government has often claimed an authoritative role in interpreting the Constitution. Of special relevance are the Constitutional provisions that create certain rights tied to a generic duty of the state, such as the right to access primary healthcare (Article 83) or to a system of social security (Article 86).²⁰⁸ These types of provisions have been traditionally interpreted as mere impositions on a general duty on Congress (now the National Assembly) to regulate each individual right by statute.²⁰⁹ The

205. *See id.* at 211.

206. *See Development Plan supra* note 177. The social development plan established by the Venezuelan government "aims to respond to social needs achieving equity as a new order of social justice . . . This objective requires the transformation of the living conditions of the majority of the population, historically deprived and separated from the equal access to health and wellbeing." *Id.* at 91.

207. CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [*CONSTITUTION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA*] art. 75–76, 79–80, 88 (Articles discussing state's aspiration to reduce inequality), 86–87, 299 (articles that fight poverty), 79, 110, 112, 123, 169 (Articles that promote economic growth), 3, 26, 84, 119 (Articles discussing political stability and social justice) (1999).

208. *See id.* art. 230.

209. *See generally* Republica Bolivariana de Venezuela Asamblea Nacional [National Assembly of the Republic of Venezuela] www.asambleanacional.gov.ve/index.php?option=com_content&view=article&id=24654&itemid=69&lang=es (last visited Feb. 24, 2013).

executive notwithstanding, has taken the position that these are calls for direct government action, and has ordinarily invoked them when launching its Bolivarian Misiones.

Other legislation, some in the form of presidential decrees, has also been enacted as a way to facilitate the state's attention to social needs.²¹⁰ It is worth mentioning that a significant group of these laws were enacted directly by the president in the form of emergency legislation pursuant to his extraordinary powers, with little or no deliberation within the national assembly.²¹¹ Furthermore, no public debate was allowed to take place, as the bills are not usually released to the public before their enactment. At least seventy-seven laws have been enacted this way.²¹²

The first time the president relied on extraordinary powers to implement social legislation was in 2001 when a package of forty-nine law decrees was announced when the term granted to the President by the National Assembly to dictate emergency legislation was about to expire.²¹³ Two of the laws that were especially controversial because of their perceived negative impact on the private industrial sector are the Agricultural Development Act (*Ley de Tierras y de Desarrollo Agrario*) and the Fisheries Act (*Ley de Pesca*).²¹⁴ Other socially-oriented laws included in this group were the Popular Economy Development Act (*Ley para el Fomento y Desarrollo de la Economía Popular*), the Social Security Act (*Ley del Seguro Social*), the Agricultural Bank Act (*Ley del Banco Agrícola de Venezuela*), and the Social Fund Act (*Ley del Fondo Social*).²¹⁵

210. See e.g., Decree No. 4.342, *supra* note 183 (Addressing the needs of housewives in poverty.).

211. Charlie Devereux, *Chávez Nearing Decree Powers as Opposition Lawmakers Jump Fence*, BLOOMBERG.COM (Feb. 7, 2013, 1:02 PM), <http://www.bloomberg.com/news/2013-02-07/chavez-nearing-decree-powers-as-opposition-lawmakers-jump-fence.html> (Oct. 9, 2013).

212. See generally 2012 *Investment Climate Statement*, U.S. DEPARTMENT OF STATE, www.state.gov/e/eb/rls/othr/ics/2012/191262.htm (last visited Feb. 24, 2013) (Describing the many laws that were enacted pursuant to the president's emergency power.).

213. See *Culmina paro en Venezuela con desafío de Chávez* [Culminates strike in Venezuela protesting Chávez] CARACOL RADIO (Dec. 11, 2011), <http://www.caracol.com.co/noticias/actualidad/culmina-paro-en-venezuela-con-desafio-de-chavez/20011211/nota/104240.aspx> (last visited Feb. 27, 2013).

214. These instruments subordinated private property rights to an idea of public interest as defined by the government. See *id.*

215. See *Nuevas Leyes Dictadas por el Presidente de la Republica en el Marco de la Ley Habilitante* [New Laws Enacted by the President of the Republic of Venezuela under the Enabling Law], Baker & McKenzie, http://www.urru.org/papers/2008_varios/gacetazo/Informe_Gacetazo_BakerMcKenzie.pdf (Oct. 9, 2013) (Aug. 2008).

The 2005 amendment to the Venezuelan Central Bank Law (*Ley del Banco Central de Venezuela*) was especially important because it enabled PDVSA to retain a percentage of its extraordinary earnings obtained from the surge in oil prices.²¹⁶ The law also allowed the executive to tap into these resources and use them to fund the Misiones without any kind of external oversight.²¹⁷

Lastly, the general purpose of each social program has been broadly defined by a presidential decree that strengthens the control of the executive and excludes all other state agencies from exercising any form of oversight.²¹⁸ These decrees have also impacted the role of institutions and public agencies by subordinating the Misiones to the presidency and by bypassing the official bureaucracy and other traditional controls.²¹⁹ One example can be found in Article 12 of the presidential decree that created MMB.²²⁰ This provision spells out the duties given to the Presidential Commission MMB, an organ led by the Ministry of Labor and formed by the Ministries of Health, Education and Sports, Culture, and the Ministry for the Popular Economy, among others.²²¹ All of these officials naturally report to the president.²²²

In addition, the decree also states that the Presidential Commission will report directly to the President (Article 12.5), and that all MMB activities are subject to the oversight of a Central Command Center (*Sala de Mando*).²²³ In practical terms, even though different ministries are appointed as members of the special commissions created within each social program, no official agency or ministerial department has a role in the implementation of the Misiones. Orders and implementation strategies are transmitted directly from the Presidency down to the Central Command Centers and funds are channeled directly through PDVSA.²²⁴ The oil conglomerate is in turn shielded from any external oversight, largely due to

216. Párraga, *supra* note 16, at 27, 37.

217. *Id.* at 37.

218. See generally Gaceta Oficial de la República Bolivariana de Venezuela, n.37, 865 (Jan. 26, 2004) (Venez.) available at <http://www.tsj.gov.ve/gaceta/Enero260104/260104-37865-02.html> (Oct. 9, 2013); Decree No. 4.342, *supra* note 183.

219. See generally, Decree No. 4.342, *supra* note 183.

220. Decree No. 4.342, *supra* note 183, art. 12.

221. See *id.*

222. See *id.* art. 12.5.

223. See *id.* art. 14.

224. See *id.*

the current regulatory scheme that enables PDVSA to keep its extraordinary earnings in a special account and use it for political purposes.²²⁵

B. The Instrumental Use of the Law and the Pursuit of the Social Agenda

It is clear that the Venezuelan state has not viewed law as a mechanism to regulate government action or as a method of enhancing accountability and transparency. The law has been used as an instrument that helps facilitate government action by removing the potential barriers that the administration views as “standing in the way” of the President and his constituents. The executive justifies this instrumental view of law as a means of achieving social reform. Furthermore, it “legitimizes the attention to particular social objectives,” namely poverty alleviation and primary healthcare.²²⁶ Has the instrumental or ideological use of the law helped the Misiones achieve their stated goals? Specifically, has access to primary healthcare improved? Have the Misiones helped to alleviate poverty among women? Or have these legal tools fulfilled other agendas?

Some experts agree that, unlike other social interventions implemented in Venezuela in the past, the Misiones were right on target in identifying a series of critical deficits in the delivery of social services. They were also able to offer what appeared to be a simple solution comprised of specific remedies accessible to the masses carried out directly by the government, and free of institutional obstacles.²²⁷ For example, MBA appeared to be a natural solution to the difficult problem of access to primary healthcare by those living in remote areas or without means to access the formal system.²²⁸ MMB offered to assist women in extreme poverty in a way that helped them maintain their dignity and autonomy.²²⁹

The government was able to act swiftly and launch the Misiones with relative ease, largely because of the flexibility the special legislation afforded the executive. This legislation insulated its actions from congressional oversight and eliminated the potential obstacles associated with multi-layered bureaucracies. The Misiones also emerged at a time when the government was experiencing its lowest level of popularity and oil prices were starting to soar.²³⁰ These factors combined to create an

225. See *Does Clientelism Work?*, *supra* note 15, at 14.

226. See Rittich, *supra* note 9, at 211.

227. Luis Pedro España, *Más allá de la Renta Petrolera y su Eistribución. Una Política Social Alternativa para Venezuela* [Beyond the Oil Rent and its Distribution. A Social Alternative for Venezuela], ILDIS, June 2010, at 19.

228. See *Clientelism and Social Funds*, *supra* note 10, at 64.

229. See generally Decree No. 4.342, *supra* note 183.

230. See *Clientelism and Social Funds*, *supra* note 10, at 65.

incentive for the government to manipulate the Misiones for political gain, which it apparently did.²³¹

The public announcement of the launching of each Misión was always preceded by an intense public campaign. Each Misión was strategically launched around election time.²³² It became apparent that the government used the Misiones as vote-purchasing strategies²³³ or to secure political alliances. In many cases, the selection of potential beneficiaries was limited to registered members of the Movimiento Quinta Republica (MVR) or to those who declared their allegiance to the government.²³⁴

It was publicly known that in order to apply to most Misiones, potential beneficiaries were required to obtain a national identification card, which is required to vote.²³⁵ The government facilitated the acquisition of this card through another program (*Misión Identidad*).²³⁶ Moreover, during his weekly-televised speeches, the president made no secret that the Misiones were also intended to bolster his political platform, sending an explicit message to the many volunteers working for the Misiones that their support was required. At the same time, members of the official party published a list (Lista Tascón) of the names of those who had signed the petition to activate the recall referendum.²³⁷ This list was used as a mechanism to further exclude people from receiving social benefits²³⁸ and to practice job discrimination, which in turn helped the government “maintain its electoral coalition and attract non-ideologized groups.”²³⁹

A related problem documented by researchers on the impact of MBA is that it has only delivered benefits to a fraction of its target population.²⁴⁰ Out of the proposed 8300 *octagonales* that were supposed to be built during 2005, only 600 were ready at the end of that period.²⁴¹ The same problem occurred with the new clinics (only four were built in 2004 out of 151 planned) and other facilities.²⁴² If we consider the problem of exclusion of

231. *See Id.*

232. *See Hoyer & Clarembaux, supra* note 137, at 10.

233. *See Clientelism and Social Funds, supra* note 9, at 65.

234. *See id.* at 80.

235. *See id.* at 73.

236. *See id.* at 73–74.

237. *See id.* at 74.

238. *See Clientelism and Social Funds, supra* note 10, at 74.

239. *Dragon in the Tropics, supra* note 23, at 44.

240. *See España, supra* note 227, at 20.

241. *See id.*

242. *See id.*

non-members of the MVR party, then the number of beneficiaries of MBA is further reduced.

The political manipulation of the Misiones has been possible because there are no institutional constraints limiting the executive with respect to strategic implementation of these programs. The law has been molded to give ample latitude to the government, where most, if not all of the traditional checks and balances have been removed. Further, the key institutions (PDVSA and the military) involved in the Misiones' implementation are also important partisan players. It is well documented that many of PDVSA's directors and upper-level executives play several other political roles in addition to their formal positions as part of the oil conglomerate. For example, the current President of PDVSA is also the Minister of Energy, the Vice President of the United Socialist Party of Venezuela (the successor of the MVR), and the Head of the Misión Ribas.²⁴³ These multiple roles create obvious conflicts of interest in addition to posing a serious risk to the integrity of the social programs.

The absence of checks and external oversight also render the Misiones inefficient because there is no way to control the criteria that are used to select beneficiaries or how the different programs are managed. There is also no oversight of the coordination of the Misiones with the corresponding bureaucratic agencies. In the particular case of MMB, the open-ended form of the cash transfer and the lack of a clear definition of the type of assistance that will be offered to women to encourage economic productivity, are also problematic.

The Misiones represent a novel state agenda that purports to alleviate poverty and advance social inclusion. Legal instruments may have been designed to facilitate the process of delivering programs without institutional obstacles. Unfortunately, the law (or the lack thereof) has also been a problem²⁴⁴ as it has enabled the executive to avoid accountability, shield itself from external control, and manipulate the Misiones for political gain.

V. CONCLUSION

The development model proposed by the Chávez administration in Venezuela purports to encourage a reinvigorated government to take control of the production and the industrialization processes. The administration also purports to foster direct citizen participation, promote

243. Párraga, *supra* note 16, at 117.

244. See Rittich, *supra* note 9, at 214 ("Badly-crafted rules and policies, even the regulatory state as a whole, may be impediments to growth or otherwise incompatible with the demands of a globally integrated economy. Hence, the task is to import not just law, but the right set of institutions.").

social justice and equality, and reduce the role of the private sector in society. The government has proclaimed the novelty of this model, dubbing it “21st century socialism.”²⁴⁵ However, critics have dismissed it as a set of outdated populist and clientelistic strategies that hinder rather than promote development.

Using this approach, social policies have gained unprecedented prominence to the point of becoming the most visible aspect of the government’s proposed transformation. The implementation of these policies has also been accompanied by a great deal of symbolism used by the government to convey the radical nature of its political and ideological message. However, the administration’s confrontational approach to implementing its social policy agenda coupled with the fierce resistance with which these changes have been received has caused controversy and polarization, both domestically and abroad. This has also made it difficult to assess the effectiveness of the various policy initiatives.

The Misiones are an important government priority and a large number of laws connected to these programs have been enacted. The Constitution now contains an enhanced catalog of social rights and express policies that emphasize the value of equality and social justice. The extensive list of presidential decrees, legislative acts, and other legal tools has acquired significant prominence. The problem, however, is that, at the same time, most government actions connected to the Misiones are deliberately kept outside the realm of formal institutions and processes, reducing the law to a mere pawn.

The executive has had ample flexibility to redirect the Misiones to certain areas deemed a political priority and to target and exclude certain social groups, usually in order to bolster popular support or to purchase votes. In addition, by being able to tap into oil revenues without any outside control and being able to use it to finance the Misiones at will, the government has secured the long term existence of these powerful political tools.

The Bolivarian Misiones may be presented as having a legitimate goal because they enable the government to reach out to groups who were traditionally excluded from state support. The Misiones may also help by delivering direct benefits to the poor. However, the lack of transparency in their implementation and the overt control exerted by the executive over these and other social programs hinders their effectiveness and has a negative impact on their long-term stability.

245. See *Development Plan*, *supra* note 177, at 7.

APPENDIX 1: LIST OF BOLIVARIAN MISIONES

Misión	Creation date	Objective	Supervising agency
Misión 13 de Abril ²⁴⁶	04/13/2008	To reinforce the people's power through the creation and development of socialist communities.	Presidency
Gran Misión Agro-Venezuela ²⁴⁷	01/29/2011	To promote agricultural development and create a database of productive lands.	Presidency
Misión Alimentación (MERCAL) ²⁴⁸	12/01/2003	To ensure the supply of food for the economically disadvantaged in Venezuela.	Ministry of Nutrition
Misión Alimentación (FUNDAPROAL) ²⁴⁹	3/22/2005	To produce free meals to poor people.	Ministry of Nutrition
Misión Alma Mater ²⁵⁰	9/18/2007	To plan higher education institutions.	Ministry of Higher Education

246. *Misión 13 de Abril*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

247. *Gran Misión Agro-Venezuela*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

248. *Misión Alimentación*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

249. *Fundaproal ha creado 6 mil casas de alimentación en todo el país* [Fundaproal created six thousand supply houses nationwide], APPORREA.ORG (July 7, 2007), <http://www.aporrea.org/misiones/n98205.html> (last visited Feb. 27, 2013).

250. *Misión Alma Mater*, EDUCACIÓN UNIVERSITARIA BOLIVARIANA Y SOCIALISTA [BOLIVARIAN SOCIALIST UNIVERSITY EDUCATION], available at http://www.mppeu.gob.ve/web/uploads/documentos/documentosVarios/pdf21-12-2009_07:30:40.pdf (last visited Feb. 12, 2013 7:39 PM).

Misión Árbol ²⁵¹	5/28/2006	To engage the community in the creation of a new development model based on the recovery, conservation, and sustainable use of forests, in order to improve the quality of life.	Ministry of the Environment and renewable natural resources
Misión Barrio Adentro (I, II, III and IV) ²⁵²	6/12/2005, 8/28/2005, 3/6/2005, and 4/17/2007	To guarantee access to health services for excluded groups, using a model of comprehensive health management aimed at achieving a better quality of life through the creation of clinics, in addition to the hospitals, located within the poor communities that do not have access to hospitals.	Ministry of Health
Misión Barrio Adentro Deportivo ²⁵³	7/13/2004	To provide support for the practice of sports.	Ministry of Sports

251. *Misión Árbol*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 5:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

252. *Misión Barrio Adentro, Salud Publica [Mission Inside the Shanty Town, Public Health]*, DEBATE SOBRE NUESTRA AMÉRICA ciid.politicas.uam.mx/semprospectia/dinamicas/r_estudios_futuro2/revista/numero_7/.../venezue.htm (last visited Oct. 4, 2012).

253. *Misión Milagro*, CEIMS, http://ceims.mppre.gob.ve/index.php?option=com_content&view=article&id=40:mision-barrio-adentro-deportivo&catid=23:misiones-bolivarianas (last visited Feb. 25, 2013).

Misión Ché Guevara (formerly, Vuelvan Caracas) ²⁵⁴	9/13/2007	To design and implement training activities, sustainable work organizations, develop ethical awareness and the moral revolution as factors in the formation of a new society.	Ministry of Communal Economy
Misión Ciencia ²⁵⁵	2/20/2006	To promote scientific and technological development throughout the country's productive sectors, promoting the socialization of knowledge, and joining efforts to reinforce the strategic guidelines for the creation of a new economic and productive system.	Ministry of Science and Technology
Misión Cultura ²⁵⁶	7/14/2005	To develop and consolidate a national identity within a decentralized and democratized Venezuela.	Ministry of Culture

254. *Misión Che Guevara*, GOBIERNO BOLIVARIANO DE VENEZUELA (Oct. 5, 2012), <http://www.misioncheguevara.gob.ve/> (last visited Feb. 25, 2013).

255. *Misión Ciencia* GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

256. *Id.*

Misión Guaicaipuro ²⁵⁷	21/1/2003	To restore the rights of indigenous peoples.	Ministry of Indigenous Peoples
Misión Identidad ²⁵⁸	9/26/2003	To provide everyone with national ID cards and facilitate access to other social services.	Ministry of Internal Affairs and Justice
Misión Justicia ²⁵⁹	2/2/2005	To provide legal assistance to indigent litigants.	Ministry of Internal Affairs and Justice
Misión Madres del Barrio ²⁶⁰	3/24/2006	To provide support to mothers/housewives and their families facing extreme poverty.	Ministry of Labor and Social Development
Misión Milagro ²⁶¹	7/8/2004	A joint effort between the Venezuelan and the Cuban governments to provide medical attention to visually impaired citizens.	Ministry of Health and Ministry of Foreign Affairs

257. *Misión Guaicaipuro*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

258. *Misión Identidad*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [Government on Line] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

259. *Misión Justicia Socialista cumple dos años construyendo justicia social en el país*, CORREO DEL ORINOCO (Feb. 25, 2013), <http://www.correodelorinoco.gob.ve/nacionales/mision-justicia-socialista-cumple-dos-anos-construyendo-justicia-social-pais/> (Oct. 9, 2013).

260. *Misión Madres del Barrio*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

261. *Misión Milagro*, CEIMS, ceims.mppre.gob.ve/index.php?itemid=28&id=13&option=com_content&view=article (last visited Feb. 2, 2013).

Misión Miranda ²⁶²	12/18/2003	Aimed at restructuring the reserve system of the National Armed forces through organization, monitoring, recruitment, registration, and retraining.	Ministry of Defense
Misión Negra Hipólita ²⁶³	1/13/2006	To rescue, recover, and ensure the rights of the most impoverished and homeless in Venezuela.	Ministry of Social Protection
Misión Piar ²⁶⁴	7/4/2004	Designed to integrate and promote small-scale miners into the five main areas of the National Social and Economic Development Plan.	Ministry of Mining and Basic Industries

262. *Misión Miranda*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 25, 2013 4:57 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

263. *Misión Negra Hipólita*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:21 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

264. *Misión Piar*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:26 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

Misión Revolución Energética ²⁶⁵	11/17/2006	To achieve and promote a more rational use of energy through the replacement of iridescent light bulbs with fluorescent ones.	Ministry of Energy and Oil
Misión Ribas ²⁶⁶	11/17/2003	Launched to ensure the continuity of education for all Venezuelans, primarily those who had failed to enter or complete a third degree education, and to those seeking secondary or professional level education.	Ministry of Energy and Oil
Misión Robinson (I and II) ²⁶⁷	7/2/2003 and 10/28/2003	Launched as a mass literacy program aimed at teaching reading and writing to all Venezuelans.	Ministry of Education
Misión Sonrisa ²⁶⁸	7/23/2006	To ensure dental services to all Venezuelans.	Ministry of Health

265. *Misión Revolución Energética*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:30 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

266. *Misión Ribas*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:31 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

267. *Misión Robinson*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:26 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

268. *Misión Sonrisa*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:37 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

Misión Sucre ²⁶⁹	11/10/2003	To ensure access to college education to all high school students.	Ministry of Higher Education
Misión Villanueva (formerly Habitat) ²⁷⁰	9/8/2007	To redistribute population and improve living conditions of Venezuelans.	Ministry of Housing and Habitat
Gran Misión Vivienda Venezuela ²⁷¹	2/14/2011	To solve the housing crisis in Venezuela.	Ministry of Housing and Habitat
Misión Zamora ²⁷²	1/10/2005	The reorganization of unused lands with agricultural potential in order to eradicate the latifundio system, promote rural development, and ensure food supply through sustainable agriculture.	Ministry of Agriculture and Land

269. *Misión Sucre*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:38 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

270. *Misión Villanueva*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:41 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

271. *Gran Misión Viviendo Venezuela*, Gobierno en Línea, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:46 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).

272. *Misión Zamora*, GOBIERNO EN LÍNEA, GOBIERNO BOLIVARIANO DE VENEZUELA [GOVERNMENT ON LINE] (Jan. 15, 2013 7:46 PM), http://gobiernoenlinea.ve/home/misiones_detalle.dot (Oct. 9, 2013).